



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH A. NICOLL, MARK M. GROSSI, GRANT C. PATON,
WOLF D. ROSSMAN and ALFRED J. HUTCHEON

Application No. 09/337,096

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 30, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On December 22, 2004, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, 2004). The MPEP states in part:

An appeal conference is mandatory in all cases in which an acceptable brief has been filed.

...

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by **the typed or printed names** of the other two appeal conference participants. **These two appeal conference participants must place their initials next to their**

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name. This will make the record clear that an appeal conference has been held. (Emphasis added)

The conferees listed in this Examiner's Answer have not signed/initialed next to their respective name as required by MPEP § 1208 as noted above. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to submit a Revised Examiner's Answer correcting the appeal conference deficiency noted above,
- (b) for the Examiner to mail a copy of the corrected answer to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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DMS/vsh